

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

KAMRAN KAHN, SHAMIM RABBANI

on behalf themselves and all others similarly
situated,

Plaintiffs,

vs.

DRYSHIPS, INC., GEORGE ECONOMOU,
PANKAJ KHANNA, ZIAD NAKHLEH, NIKI
FOTIOU, GEORGE DEMATHAS, GEORGE
XIRIDAKIS, EVANGELOS MYTILINAIOS,
HARRY G. KERAMES, VASSILIS
KARAMITSANIS, CHRYSSOULA
KANDYLIDIS, DEUTSCHE BANK AG,
MERRILL LYNCH & CO., INC.

Defendants.

Civ. Action No.: 4:11-cv-2056-RSW

JURY TRIAL DEMANDED

MEMORANDUM

COME NOW Plaintiffs by and through undersigned counsel and file this Memorandum as requested by this Court in the Court's Order dated March 10, 2012 ("Order"), requiring Plaintiffs to inform the Court of the affirmative steps counsel has taken to date to serve the foreign/alien Defendants and in support thereof respectfully state as follows:

Here, all defendants, with an exception of Deutsche Bank and Merrill are not located within any judicial district in the United States. Therefore, unless waivers are obtained, defendants DryShips Inc., George Economou, Pankaj Khanna, Ziad Nakhleh, Niki Fotiou, George Demathas, George Xiridakis, Evangelos Mytilinaios, Harry G. Kerames, Vassilis Karamitsanis and Chryssoula Kandilidis are subject to service pursuant to Rule 4(f) of Federal

Rules of Civil Procedure. Furthermore, Plaintiffs have good cause to believe that these defendants are located in Greece. Because the country of Greece is a signatory to the Hague Service Convention, Plaintiffs are required to comply with the terms this convention. Moreover, Greek Central Authority requires that all pleadings to be served are translated into Greek, which is the official language of the "State addressed."

Plaintiffs have taken affirmative steps to serve foreign/alien defendants by submitting copies of their original and amended complaint for translation. Plaintiffs have faced substantial difficulties with translation of their complaint. While the summons have been issued, Plaintiffs shall file a Motion for Alias Summons no later than May 25, 2012 requesting this Court to issue alias summons allowing Plaintiffs to serve DryShips registered agent in Majuro, Republic of Marshall Islands, instead of proceeding with service in Athens, Greece. Because the Republic of Marshall Island is not a signatory to the Hague Service Convention, Plaintiffs have previously had success with serving defendants in Majuro and believe that they will to conserve resources and obtain an expedient and efficient service.

Respectfully submitted,

LUTOVICH LAW, LLC

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CERTIFICATE OF SERVICE

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non-registered participants on May 22, 2012

/s/ Julia M. Lutovich

Julia M. Lutovich